

SB 132-FN - AS AMENDED BY THE SENATE

03/04/2021 0452s

04/01/2021 1009s

2021 SESSION

21-0895

08/11

SENATE BILL

132-FN

AN ACT adopting omnibus legislation relative to COVID-19.

SPONSORS: Sen. Prentiss, Dist 5

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Establishing a COVID-19 micro enterprise relief fund.

III. Requiring a COVID-19 needs assessment of nursing homes and long-term care facilities and making an appropriation therefor.

III. The support and promotion of New Hampshire's live performance industry by the council on the arts.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

IV. New Hampshire began “reopening” on May 11, 2020 with restrictions, some of which remain in place today and continue to impact the micro enterprise sector, those businesses with between 1 and 5 employees including the proprietor. According to the Small Business Administration, Office of Advocacy, there are 25,478 business with between 1-19 employees and 101,795 non-employer businesses.

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1 V. It is incumbent upon the state government to take prompt, proactive, and continuing
2 action to protect the economic health of New Hampshire communities through building out the
3 infrastructure and sustainability of micro enterprises.

4 2 New Subdivision; COVID-19 Micro Enterprise Relief Fund. Amend RSA 12-O by inserting
5 after section 52 the following new subdivision:

6 COVID-19 Micro Enterprise Relief Fund

7 12-O:53 COVID-19 Micro Enterprise Relief Fund.

8 I. There is established in the office of the state treasurer a fund to be known as the COVID-
9 19 micro enterprise relief fund. Notwithstanding RSA 4:45, RSA 4:47, RSA 21-P:43, or any other law
10 to the contrary, to the extent permissible under federal law \$1 of any federal funds received by the
11 state in response to the COVID-19 public health emergency shall be deposited into the fund,
12 provided that at no time shall the balance of the fund exceed \$1 in any fiscal year.

13 II. Funds shall be disbursed at the discretion of the commissioner to the 10 New Hampshire
14 regional economic development corporations to be awarded to local or regional micro enterprises.
15 Each regional development corporation shall receive up to \$1. Each regional development economic
16 council shall be authorized to assess an administrative fee up to 10 percent of the funds received
17 through the state to manage this grant program. Any regional economic development corporation
18 that does not award all of the funds received in grants to local micro enterprises shall return the
19 funds to micro enterprise relief fund at the department of business and economic affairs for
20 redistribution at the discretion of the commissioner.

21 III. With each award, an agreement for technical assistance shall be put in place between
22 the regional development corporation, the New Hampshire small business development center, and
23 the micro enterprise to support the implementation of the funds. 18 months after the
24 implementation of the program, the regional economic development councils will prepare and submit
25 reports to the commissioner, that include the number of grants and the amounts, and the use of each
26 grant by the recipient. The commissioner shall compile these reports and submit a compiled report
27 to the speaker of the house of representatives, the senate president, the house clerk, the senate
28 clerk, the state library, and the governor.

29 IV. Regional economic development corporations shall award one-time grants of up to \$1 to
30 support one or more areas of need, including development of e-commerce capabilities, upgrading
31 business practices, or maintaining storefront presence. The regional economic development
32 corporations shall ensure micro enterprises awarded grants pursuant to this subdivision are
33 provided such assistance as may be necessary to support implementation of any grants awarded.

34 V. For purposes of this subdivision, "micro enterprise" shall mean an entity with 10 or fewer
35 employees, including any proprietor, that has been in business prior to March 13, 2020, when the
36 governor signed the first declaration of a state of emergency due to COVID-19 and that has
37 demonstrated a financial impact during the COVID-19 public health emergency, such as temporary

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1 closure, reduction in workforce, or loss of revenue of 50 percent or greater when compared to the
2 same time period during the previous year. Financial statements demonstrating losses, closures, or
3 reduction in workforce shall be supplied as part of the application process.

4 3 New Subparagraph; Application of Receipts; COVID-19 Micro Enterprise Relief Fund. Amend
5 RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

6 (365) Moneys deposited into the COVID-19 micro enterprise relief fund established
7 in RSA 12-O:53.

8 4 Effective Date. Part I of this act shall take effect upon its passage.

9
10 **PART II**

11 Requiring a COVID-19 needs assessment of nursing homes and long-term care facilities and making
12 an appropriation therefor.

13 1 Short Title. This act shall be known as the Protect New Hampshire Veterans and Seniors Act
14 of 2021.

15 2 New Subdivision; COVID-19 Nursing Home and Long-Term Care Audit. Amend RSA 151-E
16 by inserting after section 21 the following new subdivision:

17 **COVID-19 Nursing Home and Long-Term Care Audit**

18 151-E:22 COVID-19 Nursing Home and Long-Term Care Audit. The commissioner of the
19 department of health and human services shall issue a request for proposals for a qualified grantee,
20 with the approval of governor and council, to undertake an independent audit of the COVID-19
21 situation in long-term care and nursing homes in New Hampshire and provide a needs assessment
22 to provide recommendations for further COVID-19 related funding, safety, and public health
23 upgrades, standards and rules for nursing homes, nursing facilities, residential care facilities, long
24 term care facilities, and the New Hampshire veterans' home, and providing a preparedness plan for
25 COVID-19 at such facilities, to be submitted to the governor, the chairpersons of the house and
26 senate finance committees, the chairpersons of the senate health and human services committee and
27 the house health, human services and elderly affairs committee, and the health and human services
28 oversight committee established in RSA 126-A:13, no later than November 1, 2021. All information
29 received or created by the department related to the inspection or survey results of licensed health
30 care facilities may be shared with the grantee, except that protected health information or
31 personally identifiable information shall not be shared with the grantee for any reason. All
32 information which is received by the grantee for the purposes of this section, and which otherwise
33 constitutes confidential information pursuant to state law, shall remain confidential, and shall
34 receive the protections afforded to such confidential information under existing state law.

35 3 Appropriation. The sum of \$250,000 is hereby appropriated for the fiscal year ending June 30,
36 2022 to the commissioner of the department of health and human services from federal COVID-19
37 relief funds for the purpose of hiring a qualified grantee as required in RSA 151-E:22. If such federal

1 funds are unavailable, the governor is authorized to draw a warrant for said sum out of any money
2 in the treasury not otherwise appropriated for the purpose of section 2 of this act.

3 4 Effective Date. Part II of this act shall take effect upon its passage.
4

5 PART III

6 Relative to the support and promotion of New Hampshire's live performance industry by the council
7 on the arts.

8 1 Title. This act shall be known and may be cited as the Save Our Granite Stages Act.

9 2 Purpose Statement. Independent live venues are important entertainment hubs and economic
10 multipliers for New Hampshire's local economies. They serve as critical tax bases as employers and
11 tourism destinations and as revenue generators for neighboring businesses such as restaurants,
12 hotels, and retail. The cultural impact of New Hampshire's independent live venues is difficult to
13 calculate and serves as an important draw for young people to the state. Unfortunately, these
14 businesses were among the first to close as COVID-19 spread across the country, will likely be the
15 last to reopen, and will take years to recover if they can stay in business at all. Smaller venues with
16 a capacity of 300 or less are being impacted the most by the COVID-19 economic and public health
17 crisis. This act provides targeted assistance and long-term planning support and recognizes the
18 importance of independent live venues to New Hampshire's economy.

19 3 Council on the Arts; Declaration of Policy. Amend RSA 19-A:1 to read as follows:

20 19-A:1 Declaration of Policy. It is hereby found that many of our citizens lack the opportunity to
21 view, enjoy or participate in living theatrical performances, musical concerts, operas, dance and
22 ballet recitals, art exhibits, examples of fine architecture, and the performing and fine arts
23 generally. It is hereby further found that, with increasing leisure time, the practice and enjoyment
24 of the arts are of increasing importance and that the general welfare of the people of the state will be
25 promoted by giving further recognition to the arts as a vital aspect of our culture and heritage and as
26 a valued means of expanding the scope of our educational programs. ***It is hereby further found***
27 ***that arts organizations and businesses are important entertainment hubs and economic***
28 ***multipliers for New Hampshire's local economies. They serve as critical tax bases as***
29 ***employers and tourism destinations and as revenue generators for neighboring businesses***
30 ***such as restaurants, hotels, and retail. The cultural impact of New Hampshire's creative***
31 ***sector is difficult to calculate and serves as an important draw for young people to the***
32 ***state.*** It is hereby declared to be the policy of the state to join with private patrons and with
33 institutions and professional organizations concerned with the arts to insure that the role of the arts
34 in the life of our communities will continue to grow and will play an ever more significant part in the
35 welfare and educational experience of our citizens. It is further declared that all activities
36 undertaken by the state in carrying out this policy shall be directed toward encouraging and

1 assisting rather than in any ways limiting the freedom of artistic expression that is essential for the
2 well-being of the arts.

3 4 Council on the Arts; Report. Amend RSA 19-A:7 to read as follows:

4 19-A:7 Reports. The council shall make biennial reports to the governor and council. ***The***
5 ***council's strategic plan and biennial report under this section shall address the activities***
6 ***related to the Save Our Granite Stages Fund created under RSA 19-A:15.***

7 5 New Subdivision; Council on the Arts; Save Our Granite Stages Fund. Amend RSA 19-A by
8 inserting after section 14 the following new subdivision:

9 Save Our Granite Stages Fund

10 19-A:15 Save Our Granite Stages Fund. There is hereby established the save our granite stages
11 fund, which shall be appropriated for fiscal year 2022 to the New Hampshire state council on the
12 arts for the purpose of providing grants to both non-profit and for-profit live venues that did not
13 receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established
14 by Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). The fund
15 shall be nonlapsing and kept separate and distinct from all other funds. Notwithstanding any other
16 provision of law, \$1 of any discretionary federal funds received by the state in response to the
17 COVID-19 public health emergency shall be deposited into the fund. In addition to state
18 appropriations, the council may accept grants, gifts, and donations for deposit in the fund.

19 6 New Subparagraph; Dedicated Funds; Save our Granite Stages Fund. Amend RSA 6:12, I(b)
20 by inserting after subparagraph (364) the following new subparagraph:

21 (365) Moneys deposited in the save our granite stages fund under RSA 19-A:16.

22 7 Repeal. RSA 19-A:15 and RSA 6:12, I(b)(365), as inserted by sections 5 and 6 of Part III of this
23 act, respectively, are repealed.

24 8 Effective Date.

25 I. Section 7 of Part III of this act shall take effect June 30, 2023.

26 II. The remainder of Part III of this act shall take effect upon its passage.

SB 132-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-1009s)

AN ACT adopting omnibus legislation relative to COVID-19.

PART I Establishing a COVID-19 micro enterprise relief fund.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$1	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$80,000	\$81,000	\$85,000
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other-Federal COVID-19 Funds			

COUNTY:

Revenue	\$0	Indeterminable	\$0	\$0
Expenditures	\$0	Indeterminable	\$0	\$0

LOCAL:

Revenue	\$0	Indeterminable	\$0	\$0
Expenditures	\$0	Indeterminable	\$0	\$0

METHODOLOGY:

This section establishes the COVID-19 Micro Enterprise Relief Fund, a dedicated fund within the State Treasury, to be administered by the Department of Business and Economic Affairs (DBEA). To the extent permissible under federal law, up to \$1 of any federal funds received by the state in response to the COVID-19 public health emergency shall be deposited into the fund, provided that at no time shall the balance of the fund exceed \$1 in any fiscal year. Funds are to be disbursed at the discretion of the Commissioner of DBEA to the 10 New Hampshire regional economic development corporations to be awarded to local or regional micro enterprises. Each regional development corporation shall receive up to \$1 and may assess an administrative fee of up to 10% of funds received to manage the grant program. Funds not awarded shall be returned to the fund for redistribution at the discretion of the commissioner. With each award, an agreement for technical assistance shall be put in place between the regional development corporation, the New Hampshire small business development center, and the micro enterprise to support the implementation of the funds. Regional economic development corporations shall

award one-time grants of up to \$1 to support one or more areas of need, including development of e-commerce capabilities, upgrading business practices, or maintaining storefront presence. An eligible "micro enterprise" shall mean an entity with 10 or fewer employees, including any proprietor, that has been in business prior to March 13, 2020 and that has a demonstrated financial impact during the COVID-19 public health emergency, such as temporary closure, reduction in workforce, or loss of revenue of 50 percent or greater when compared to the same time period during the previous year. Financial disclosure statements shall be supplied as part of the application process

It is unclear if county and local government would be eligible to directly receive these grants since it specifies the grants are for regional economic development corporations. RSA 162-A:2, XII provides a definition for local development organization which includes regional development corporation. This definition also states "The term "local development organization" shall include a town, city or county if such town, city or county has published written procedures for participating in economic development activities through the loaning of funds or the enhancement of credit".

Treasury reports there is no fiscal impact on the revenues or expenditures of the Treasury as the fund is appropriated to and administered by the DBEA. There is no fiscal impact anticipated at the county or local levels.

The Department of Business and Economic Affairs (DBEA) identified 10 regional economic development corporations that would be eligible to receive funds to be distributed to micro enterprises. The Department does not know how much funding would become available or permissible under federal law. To accommodate the distribution of requested funding and associated federal reporting that may be required, the Department anticipates hiring one new administrative position, and assumes General Funds will be needed to pay for the additional position. The estimated salary and benefit cost of this position (Program Specialist III, Labor Grade 23) is \$80,000 in FY22, \$81,000 in FY23 and \$85,000 in FY24. This section does not authorize any new positions or provide appropriations to fund positions.

AGENCIES CONTACTED:

Treasury Department and Department of Business and Economic Affairs

PART II Requiring a COVID-19 needs assessment of nursing homes and long-term care facilities and making an appropriation therefor.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$250,000	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$250,000	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other-			

METHODOLOGY:

This section requires the Commissioner of the Department of Health and Human Services to issue a request for proposals, subject to approval by the Governor and Executive Council, for an independent audit of the COVID-19 situation in long-term care and nursing homes in New Hampshire. The RFP will also include a needs assessment and COVID-19 preparedness plan relating to safety, public health upgrades, standards and rules for nursing homes, nursing facilities, residential care facilities, long-term care facilities, and the New Hampshire Veterans' Home. The recommendations will be submitted to the Governor and specified legislative committees no later than November 1, 2021.

The section appropriates \$250,000 for FY 2022 to DHHS from federal COVID-19 relief funds for the purpose of hiring a qualified grantee. If such funds are not available, General Funds shall be used for this purpose.

DHHS does not currently have \$250,000 in COVID-19 relief funds allocated or allowed for the purposes of conducting the independent audit and assessments as required. Therefore, it is expected that the funds used for the purposes of conducting the independent audit and assessment would come from General Funds.

DHHS would not need to hire additional staff to issue the request for proposals and draft the resulting contract. Other tasks, for example rule making or the imposition of additional licensure requirements, would depend on the information and recommendations contained in the assessment, and the costs associated with those tasks are indeterminable at this time.

It is assumed this section will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Health and Human Services

PART III Relative to support and promotion of New Hampshire's live performance industry to the council on the arts,

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$1	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$1	\$0	\$0
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Federal COVID-19 Funds			

METHODOLOGY:

This section creates a dedicated nonlapsing Save Our Granite Stages Fund administered by the New Hampshire State Council on the Arts to provide grants to non-profit and for-profit live venues that did not receive a grant from the federal Shuttered Venue Operators (SVO) program, which was established by the Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act (P.L. 116-260). Up to \$1 of any discretionary federal funds received by the state in response to the COVID-19 public health emergency shall be deposited into the fund. The fund is repealed effective June 30, 2023. The Council on the Arts states it will incur no additional costs to manage this grant program.

It is assumed this section will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Natural and Cultural Resources